

MINUTES  
Planning and Zoning Commission & Architectural Board of Review  
City of Willoughby Hills, Ohio

February 16, 2017

CALL TO ORDER      7:01 P.M

PRESENT:              Chairman Christopher Smith, Vice Chairman John Lillich,  
Mayor Robert Weger, Councilman Christopher Hallum, Michael Tyler and  
Michael Kline

ABSENT:              Jonathan Irvine.

ALSO PRESENT:      City Engineer Pietro DiFranco, BZA Rep Frank Cihula  
and Clerk Katherine Lloyd

MOTION:              John Lillich moved to excuse Jonathan Irvine from tonight's meeting.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous  
Motion Passes: 6/0

**Correspondence:**

Email dated 1/25/17 from Asst. City Engineer RE: Construction of a New Building Addition  
(Zoning: E) at 2541 SOM Center Rd.

**Disposition of Minutes              Meeting of February 2, 2017**

Correction to pg. 12, Jim Walsh's comments: Jim is an East Ender. He did say 'West'.

Correction to pg. 15, spelling of 'Kennealey' corrected to 'Kennelly'.

MOTION:              John Lillich moved to accept minutes of February 2, 2017 as corrected.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous  
Motion Passes. 6/0

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:03 P.M.**

Linda Fulton, 2990 Marcum Blvd.

During Architectural Reviews, does this body also look at the lot size and how the house will fit on that lot? The house approved for the 1-acre lot at the corner of Rockefeller and White Road is a beautiful house that is to the standards of what the City but it does not seem to fit on that piece of property. Does the Board consider how it will look on that lot?

*(Smith) The Board does look at how houses are sited on the property on a case by case basis. Unless a variance is required because there is a setback or other issue, the Board can vote against it but each member votes individually. Recommendations can be made on how a house will look on a particular property but they are mindful of the owner's rights.*

*(Lillich) It is an irregular shaped lot that widens, then narrows and then widens again is difficult to fit.*

**Public Portion closed at 7:09 P.M.**

1.) Jim & Terri A. Hoelting

Agent/Contractor: David G. Barr, Barr Bros. Construction

**2773 Rockefeller Rd. – New Home - PPN: 31-A-006-R-00-002-0**

Plans stamped received in Building Department 2/10/17

Plans reviewed by Building Department 1/30/17

Present: Dave Barr (Barr Brothers Construction) and Jim Hoelting & Terri Hoelting (36205 Sandy Knoll Dr., Eastlake).

Owner/Representative Comments:

It will be a ranch style house with a 3-car garage. We will use Tuscan style Stein House Stone in a Tuscan ridge formation. It will have charcoal smoke Allside siding with white trim and weathered wood shake gables on the front of the house. The white front door will have leaded glass and silver 'kaming' and two side lights to match.

City Engineer's Comments (DiFranco):

No comments. They addressed all of our comments.

Building Commissioner's Comments (Wyss):

No comments. Zoning is okay

Board Comments:

(Smith) It looks beautiful. The color combinations are really tight.

(Lillich) The draftsman and architect covered everything we look for.

**MOTION:** John Lillich moved to approve for the plans for the New Home at 2773 Rockefeller Rd. as presented.

Seconded by Michael Tyler

Voice Vote: Ayes Unanimous.

**Motion Passes: 6/0**

2.) 9091 LLC for Classic BMW

Agent/Contractor: TallyCM (Owners Rep) Kurt Hanson

**2571 SOM Center Rd. – Construction of New Building Addition - PPN: 31-A-011-E-00-025-0**

Plans stamped received in Building Department 1/24/17

Plans reviewed by Building Department 2/13/17

Plans received by City Engineer 1/24/17

Plans reviewed by Building Department 1/25/17

Present: Jim Brown (Classic BMW) and Kurt Hanson (TallyCM). The architect could not be here tonight.

Owner/Representative Comments:

- Large rendering shown.
- The existing metal panel on the front of building and the service drive is being removed and replaced by aephis with a white finish per the new specifications from BMW. The service bays do not have the metal panel. The existing block will remain. New canopies will become overhang at the top and also down low on part of the additions.
- The existing vestibule will be removed and shifted to the very south corner of the existing building. South of the existing showroom, a new 'New Car Delivery' addition will be built onto the building.

- Some of the existing curtain wall framing on the front of the building will be changed. The existing sunshades on the building will be removed.
- A slice-wall display feature will be added to the front of the building with a car displayed on it. Its location indicated on the rendering
- The glazing that needs to change will stay which will save the tinted glass
- In a separate project, a sign company will submit plans for the new signs to be put on the building.
- Inside the building and all the customer areas will be renovated.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Smith) BMW is the reason you are going from metal panel to aephis? *Their first choice was stucco which does not hold up in this climate. They decided on aephis to get a clean finish without the metal lines and panels. The Westlake BMW went with this program. They have no joints. How do they let it expand? It has block behind it and metal framing. Things still expand. What type of finish do you plan for the aephis? Westlake has a bright white, fine smooth finish. It won't pick up dirt like the standard retail*

MOTION: Michael Tyler moved to approve the plans to Construction of New Building Addition at 2571 SOM Center Rd. as submitted.

Seconded by John Lillich

Voice Vote: Ayes Unanimous.

**Motion Passes: 6/0**

3.) J&M Acquisitions

Agent/Contractor: John Stemplhar

**29121 Chardon Rd. – Pole Barn - PPN: 31-A-008-E-00-019-0**

Plans stamped received in Building Department 2/10/17

Plans reviewed by Building Department 2/13/17

Present: John & Mary Stemplhar

Owner/Representative Comments:

- Photos of existing house were distributed.
- The roof will be brown roof. The siding in a natural clay color. Windows and trim are white.
- We will remove what is there now and replace it with a 24x32 ft. barn/garage with a deck in the front with a roof over the patio. We are deciding between a metal roof there or just a brown roof like the rest of the structure.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Smith) Are you thinking about a metal, standing seam roof? *Yes.* Are you doing that for maintenance-free? *No, aesthetics. It would be a shade of brown to coordinate with the natural clay siding.* If you do decide to go with metal, I would recommend choosing a shade darker for the roof when you line it up because the horizontal siding will appear darker than the vertical plane of the metal roof.

(Lillich) It is a very attractive barn. It is set so far back it can barely be seen. The plans show a cupola on the barn, do you plan to put it up there? *Yes.*

(Tyler) Is the concrete floor pre-existing? *No, it is broken up.* You plan 4" new cement? *Yes.*

MOTION: John Lillich moved to approve the plans to Pole Barn at 29121 Chardon Rd. as discussed.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 6/0**

## **PLANNING COMMISSION**

NO PENDING BUSINESS

### **Public Portion opened at 7:23 PM**

#### **1) Thomas Marsh, 36520 Maple Grove Rd.**

He thanked the Board for the courtesy of letting the residents speak at the last meeting and for the draft of the minutes sent to him. He hopes to continue to receive drafts. He states that Pages 11 and 15 of the minutes do not fully reflect what he said at the last meeting. He asks that any drafts prepared prior to this draft be maintained. He plans to listen to the audio and produce his own written statement back for the record. He states that what is there does not adequately reflect what he said. He knows the minutes have been approved.

He discussed the issues raised by some Council members regarding the Mayor signing the agreement. For him, Section 1 of the agreement directs the Mayor to enter into the option and lease agreement. The word 'execution' is used throughout the agreement. He passed out a letter written by Tom Lobe. Throughout the Ordinance is the contingencies. He follows this document in presenting his case. It summarizes. He suggests that the Board follow this document in summary form to make their final decision. He does not agree with how this was passed. That subject would have to be taken up in some other form. He stated that no one should assume that all the Council members were in agreement. He states that the health and safety issue needs to be dealt with. He feels that AT&T is a stronger carrier than Verizon at this time.

He states that Jason Woodward has promised to forward to him a copy of whatever package goes to the Board. Mr. Marsh plans to keep Mr. Woodward informed on what he is doing. He stated that Mr. Woodward would like to present the Miller Rd case without having 50 residents discussing it. Mr. Marsh said they have no interest in disrupting the normal business.

They may ask for an extension of time at the March 2<sup>nd</sup> meeting for them to appear at the next meeting in order to present their case. He needs more time for the substantial preparation that he plans. He states that it is in the interest of both parties to allow fair coverage by both parties so there is the least likelihood of this proceeding into an appeal.

#### **2) Marinko Mazijolovic, 2525 Maple Hill Rd.**

He asked if there was any update on the alternate site discussed last meeting.

*Mayor Weger stated there is no update yet. They are checking the title company to get clear title to the property. Title has been a problem for the Park also because of the Federal tax liens.*

#### **3) Thomas Marsh, 36520 Maple Grove Rd.**

He states that TowerCo is looking at the alternate site from an engineering standpoint. Mr. Marsh feels that the alternate site can take a much higher tower without concern of the lower branches. He has also encouraged the Mayor to have AT&T look at the site.

#### **4) John Plecnik, Bishop Rd.**

He stated that when he voted for 2016-29, he explicitly mentioned Planning and Zoning review. Section 4 of 2016-29 explicitly says the execution of the cell tower option and lease agreement is contingent on Planning and Zoning approval. He felt the Planning and Zoning review was important

before anything was signed. At this point the residents have an opportunity to speak. He asked the Board to listen to the residents and vote as they tell you.

5) John Lillich, PCABR Vice Chairman

The public hearing at the last meeting was the most civil public meeting that he has been involved with in 39 years. He complimented Mr. Marsh and the residents who spoke. They were concise, polite and provided a lot of information.

6) Christopher Smith, PCABR Chairman

Adding to Mr. Lillich's comments, many of the people who were here did not understand the order of events that happened. Some were angry about the options that were coming. The members of the Board are volunteers and the Board has not voted on anything yet. He expressed his appreciation for the decorum of the Board and its ability to allow people to voice their concerns, its ability to listen and ability to take everything into consideration for when matters do come before it.

**Public Portion closed at 7:40 PM**

UNFINISHED BUSINESS

The Master Plan Review is in process. Mr. Smith had volunteered his office to update the demographics and other items. The office has been very busy. No time frame was discussed. Discussion was postponed.

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Hallum)

None

BUILDING COMMISSIONER'S REPORT (Wyss)

- Tree Ordinance addition to the Maintenance Code is suggested. A tree fell on a house on Cricket causing substantial damage. A copy of Wickliffe's Ordinance on dead and dying trees will be given to Mr. Hallum. With a Tree Ordinance, the City could cite that the tree is a safety hazard.
- Forestry Management: A gentleman on Eagle Rd. has hired a logger to harvest trees on his property. The majority of his forest is down the hillside. The logger has been informed about the Protected Area and that because of the Hillside Ordinance it is protected 40 feet up on the high side. The forester is a good practicing forester. He will meet with Fred and identify the harvest area. If any sizeable number of the trees identified are in the Protected area, the project will need to be reviewed. They will file with Lake County Soil & Water. They would be interested in having a tower located on their property. The Protected Area Ordinance needs to be reviewed and get specifics on Forestry Management.

Legality of cell towers was questioned at the last Planning Commission meeting and then repeatedly at the last Council meeting by Mr. Pike. They are absolutely legal on residential properties and the properties we are considering. The map was voted on. When they voted on the map, the examples they were given were from the new Zoning Code. They specifically have all the references to 1161 where it is dictated that we have conditional use requirements for cell towers throughout the City in all areas. It is absolutely legal. Mr. Pike falsely and publicly notified and got everyone nervous. Mr. Pike is incorrect in his assertion. Fred has the documents and also

the documents whereby SCR was voted on as the senior housing development. The documents are now in the master zoning code

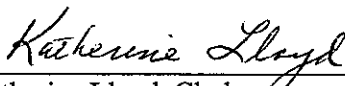
- Council President asked the Law Director at the last Council meeting what the Council could have done even if they had not voted on it as an emergency or if they had gotten to 3<sup>rd</sup> reading. Planning Commission could have had an opportunity to have their public hearing and possibly a preliminary approval. Code said there had to be a lease. There is nothing in the Code that said it had to be signed. When they directed the Mayor to sign the lease, it is Mr. Wyss' opinion that our Mayor had no choice.

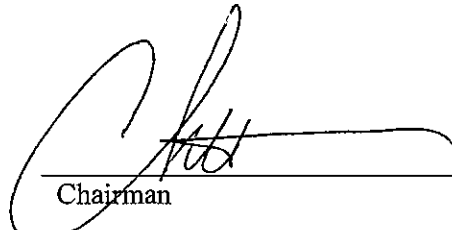
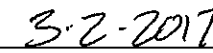
CHAIRMAN'S REPORT

None

MOTION: Christopher Smith moved to adjourn the meeting.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 6/0**

Meeting Adjourned at 7.46 P.M.

  
Katherine Lloyd, Clerk

  
Chairman  
  
Date Approved